

## United States District Court

SOUTHERN

DISTRICT OF  
MCALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

v.

United States District Court  
Southern District of Texas  
CRIMINAL COMPLAINT  
FILED

Fernando Ortiz

PRINCIPAL

Case Number:

YOB: 1991

United States

MAR 20 2019

M-19-0656-M

David J. Bradley, Clerk

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 18, 2019 in Hidalgo County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Magnolia Leticia Ruiz-Ruiz and Gladys Beatriz Ruiz-Ruiz, both citizens of Guatemala, along with five (5) other undocumented aliens, for a total of seven (7), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Los Ebanos, Texas to the point of arrest near La Joya, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY  
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On March 18, 2019, Border Patrol Agents received a camera image of a white SUV possibly loading with undocumented aliens in Los Ebanos, Texas. The area where the image was captured is a well-known pick up location utilized by alien smuggling organizations.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

March 20, 2019

Date

J Scott Hacker

Name and Title of Judicial Officer

, U. S. Magistrate Judge

Signature of Complainant

Jon M. ChanSenior Patrol Agent

Printed Name of Complainant

at McAllen, Texas

City and State

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-19-0656-M**

**RE: Fernando Ortiz**

**CONTINUATION:**

A responding Border Patrol Agent observed a white SUV traveling north on the main road leading out of Los Ebanos. The agent recognized the driver, previously identified as Fernando Ortiz, from an encounter a few days prior. During that encounter, the agent observed approximately ten (10) undocumented aliens attempt to load in a vehicle being driven by Ortiz. As the agent arrived, the undocumented aliens ran back towards the Rio Grande River. A Department of Public Safety (DPS) Trooper subsequently conducted a vehicle stop, which the agent assisted with.

The agent proceeded to follow the white SUV and conducted a vehicle registration check. The vehicle returned registered out of Mission, Texas. While traveling behind the SUV, the agent noticed several silhouettes momentarily rise up in the rear seat area of the SUV. The agent then observed the white SUV proceed to pull off the road. The agent then activated his emergency equipment to conduct a vehicle stop.

Once the SUV came to a stop, the agent approached the vehicle and observed several people laying down in the rear seats of the SUV. As the agent identified himself as a Border Patrol Agent, the driver stated "I remember you, you were there when I tried to load up the other day."

Border Patrol Agents located a total of seven (7) people in the SUV who were determined to be illegally present in the United States.

All subjects were placed under arrest and transported to the McAllen Border Patrol Station for processing.

**PRINCIPAL STATEMENT:**

Fernando Ortiz, a United States Citizen, was advised of his Miranda Rights and agreed to provide a sworn statement.

Ortiz was contacted by a smuggler in Mexico who wanted him to pick up people in Los Ebanos, Texas. Ortiz admitted that he had attempted to pick up people days prior in Los Ebanos, but was unsuccessful due to the presence of law enforcement. Ortiz acknowledged his previous encounter with the DPS Trooper and Border Patrol Agent. Ortiz was unsure how much he was to be paid to transport the undocumented aliens he had picked up, but mentioned it was possibly \$300 per person. Ortiz claimed that the smuggler sent him a "pin drop" of the pickup location once the undocumented aliens were ready to be picked up. At the pickup location, Ortiz stated that the people boarded the vehicle and he instructed them to get down. Ortiz claimed that he recognized the Border Patrol Unit once the agent got behind him.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-19-0656-M**

**RE: Fernando Ortiz**

**CONTINUATION:**

**MATERIAL WITNESSES STATEMENTS:**

Magnolia Leticia Ruiz-Ruiz and Gladys Beatriz Ruiz-Ruiz, citizens and nationals of Guatemala, were advised of their Miranda Rights and agreed to provide a sworn statement.

Magnolia, a citizen of Guatemala, stated her father made her smuggling arrangements but does not know how much was going to be paid. Magnolia claimed she crossed the river along with several others and was told by the smugglers that a white truck was going to be waiting for them. Once they arrived at the pickup location, Magnolia stated she boarded a white truck and sat on the front passenger seat.

Magnolia identified Ortiz, through a photo lineup, as the driver of the white truck.

Gladys, a citizen of Guatemala, stated her uncle made her smuggling arrangements but does not know how much was going to be paid. Gladys stated she traveled along with her cousin and once they made it to the Mexican riverbank, they were told that a vehicle would be waiting for them at the pickup location. Gladys claimed once they made it to the pickup location, she saw a white vehicle arrive. Gladys stated she boarded the vehicle and the driver instructed them to lay down and hide.

Gladys identified Ortiz, through a photo lineup, as the driver of the white vehicle.